

**122 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM M-45605-2022 (O&M)****Date of Decision: 04.09.2023**

Saroop Singh and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHUPresent: Mr. Ritesh Pandey, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

Mr A.K. Ranolia, Advocate,
for respondents No.2 & 3.**MAHABIR SINGH SINDHU. J.**

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.98 dated 07.08.2021 under Sections 420 of the Indian Penal Code, 1860 (for short, '*the IPC*') at Police Station Batala, District Batala (**P-1**) along with all consequential proceedings arising therefrom on the basis of compromise dated 14.03.2022 (**P-2**), entered into between the parties i.e. petitioners as well as respondents No.2 & 3.

2. Allegations in brief are that petitioners received an amount of Rs.5 lakh from complainant on the pretext of getting employment for her son: but, neither, the employment was secured; nor money has been returned.

3. The Co-ordinate Bench, while issuing notice of motion on 30.09.2022, passed the following order:-

"...Prior to recording of statements, petitioners are directed to deposit the amount of Rs.10,000/- with the District Legal Services Authority, Batala, towards cost of proceedings. Thereafter,

petitioners and private respondents shall appear before the trial Court/Illaq Magistrate within 15 days from today for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report before next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused in the FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. Whether the accused persons are involved in any other case or not.*
- 5. Current stage of the case.”*

4. In terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate First Class, Batala and submitted a report dated 13.02.2023. The operative part of the same reads as under:-

- “1. Two persons were arrayed as accused in the present FIR.*
- 2.No accused is declared proclaimed offender in this case.*
- 3.As per the statement of IO/ASI Germanjit Singh, accused persons are not involved in any other case.*
- 4. As per the statement of IO/ASI Germanjit Singh, a compromise has been effected between the parties, so, challan in the present case has not been prepared.*
- 5. The compromise is genuine, voluntarily and without any coercion or undue influence between complainant No.2 Sukhbir Kaur only and accused persons. Respondent No.3/complainant Malkit Singh, did not come present to record his statement qua compromise with the accused persons.”*

5. A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no objection by either of the parties against the compromise.

6. Learned State Counsel, on instructions, submitted that they have no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of the compromise effected between the parties.

7. In view of above, this Court is fully convinced that the offences are personal in nature and does not involve any public funds. Thus, quashing of the

FIR in question along with consequential proceedings, on the basis of compromise would bring peace and harmony to secure the ends of justice.

8. Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners. However, as a deterrence for the future, both the petitioners are burdened with costs of Rs. 5000/- each. Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

04.09.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No